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10/062,655	02/01/2002	Douglas R. Domel	1006.023	4681
7590	12/29/2003		EXAMINER	
John L. Rogitz, Esq. ROGITZ & ASSOCIATES 750 "B" Street, Suite 3120 San Diego, CA 92101			JOHNSON, BLAIR M	
			ART UNIT	PAPER NUMBER
			3634	

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 13

Application Number: 10/062,655

Filing Date: February 01, 2002

Appellant(s): DOMEL ET AL.

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John L. Rogitz  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 9/23/03.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1-20 stand or fall together(8)

***ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

6,486,793	Buccola	11/26/2002
5,909,093	van Dinteren et al	6/1/1999

**.(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-20 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 7.

**(11) *Response to Argument***

Appellant's interpretation of van Dinteren et al is correct.

Appellant's arguments consists of : the two references are not analogous; there is no suggestion to combine the two references; the two references cannot be physically incorporated.

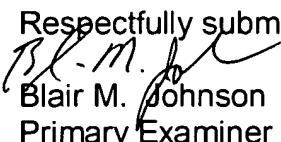
Regarding the first two arguments, while the two references may not be in the same field of endeavor (blinds vs. door locks) they are clearly analogous since Buccola is "reasonably pertinent to the particular problem with which the inventor was concerned", which is to conserve power. See, for example, page 2, lines 3-4, of the present specification and column 4, lines 37-45 of Buccola. One of ordinary skill in the art attempting to reduce power consumption of a blind system would look to power conserving devices in general, not merely within the blind art, and would have found Buccola. Regarding the third argument, physical incorporation of Buccola into van

Dinteren et al is not proposed but merely substituting the transmitting and receiving system which controls the actuator, as proposed.

Appellant states that Buccola does not indicate "what generates the frequencies, or how the wake up frequency "prepares" the microprocessor for operation, or even that the microprocessor is deenergized until receipt of the wake up frequency". In response to this, a transmitter generates the signal( only one signal has been claimed) and the other two points from above are not actually claimed.

Other than this brief statement regarding the failure of Buccola to teach certain features, which actually are not recited, the structure recited verses what is taught by van Dinteren et al and Buccola is not argued but simply the propriety of combining these references. However, as pointed out above and in the final rejection, such would have been obvious for good and sufficient reasons.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,  
  
Blair M. Johnson  
Primary Examiner  
Art Unit 3634

BMJ  
December 23, 2003

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